

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: March 4, 2015
RE: 15-0788CA, 99 Intervale Road

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Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: EAE Ward: 2

Owner/Representative: City of Burlington / Interval Center, Inc.

Request: Modifications to existing parking area to include expansion, concrete bunkers, and fencing

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is seeking approval to reconstruct and formalize an existing informal parking area at 99 Intervale Road. This informal parking area has emerged gradually over time without a permit. The site, however, is not a "green field" and has been disturbed a number of times. Permitted onsite work has involved removal and relocation of former structures and operation of a temporary bulk compost sales facility that has now also been removed. The proposed parking area will contain up to 55 spaces (5 of the spaces will be seasonally unavailable). A corner of the proposed parking area will contain 8 bulk material bunkers for sale of lawn and garden materials (soil, mulch, and compost). The parking is to be used jointly by Intervale Center and Gardener's Supply. It will serve customers purchasing bulk materials from Gardner's Supply and supplement very limited existing parking for the Intervale Center. The parking is also intended to address the need for parking associated with seasonal events held at the Intervale. Note that this property is one of very few along Intervale Road that is not within the special flood hazard area.

Previous zoning actions for this property are listed below:

- 5/18/10, Approval of temporary concrete bunker and compost sales
- 2/19/02, Approval of industrial / greenhouse structure (Food Enterprise Center), permit expired, not built.

Recommendation: Certificate of Appropriateness approval as per, and subject to, the following findings and conditions:

I. Findings

Article 4: Maps & Districts

Sec. 4.4.3, Enterprise Districts:

(a) Purpose

(2) Agricultural Processing and Energy (E-AE)

The subject property is located in the E-AE zone which is intended primarily to accommodate enterprises engaged in the manufacturing, processing, and distribution of agricultural goods and products as well as those related to energy generation. Businesses within this district are specifically encouraged to work together to improve efficiencies and reduce waste. Gardener's Supply and Intervale Center both fit within this context and both contribute substantially to the overall vitality of Burlington's Intervale. The shared parking facility will benefit both organizations with greater efficiency than the creation of two detached, separate parking facilities. **(Affirmative finding)**

(b) Dimensional Standards & Density

There is no building on the subject property. FAR is, and will remain, 0.

Lot coverage will increase from 6.3% to 12.2% but remains under the maximum allowable 60% coverage.

The reconstructed parking area exceeds the minimum required 10' side and rear yard setback requirements. It also complies with the 10' minimum required front yard setback except for spaces 1 and 55. These two spaces remain acceptable as they are located within the footprint of the existing parking that has no front yard setback. Overall, the proposed parking layout substantially increases the degree of conformity. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The existing agricultural and garden supply store uses are permitted in the E-AE zone. These uses will remain. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.3 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.3 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.3 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.3 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in this proposal appears to constitute a nuisance. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

No new outdoor lighting is proposed. **(Not applicable)**

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance will result from this proposal, a small project erosion prevention and sediment control plan is required. That plan has been submitted and is presently under review by the Stormwater Administrator.

Post construction stormwater management is required. The proposed plan is fairly simple and relies on directing runoff onto surrounding vegetated surfaces. The plan is under review by the Stormwater Administrator. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

Much of the parcel is wooded; however, none of it is affected by a natural resource overlay. A small wetland is present onsite; however, it is unmapped and therefore not subject to the provisions of the wetland natural resource overlay. Regardless, the proposed construction will not touch the wetland. Modest tree and brush clearing is included in the proposal and is mostly limited to the northwestern end of the proposed parking area. Limits of clearing need to be depicted on the site plan. **(Affirmative finding as conditioned)**

(b) Topographical alterations

Some limited grading work is proposed, mostly for directing stormwater runoff. Generally, however, the flat site will remain so. **(Affirmative finding)**

(c) Protection of important public views

There are no important public views on or through the subject property. **(Affirmative finding)**

(d) Protection of important cultural resources

The property is located within an archaeologically sensitive area but contains no specific archaeological site points. The property underwent an archaeological site assessment as part of the permitted but not built Food Enterprise Center project review. As part of due diligence, the applicant is advised to contact the Vermont Division for Historic Preservation to inquire as to this assessment and other studies of the area's heightened archaeological significance. If, during construction, artifacts are unearthed, it is the applicant's responsibility to stop earthwork and to contact the Division for further guidance. As proposed, the parking area is within the acceptable development parameters delineated during the Food Enterprise Center project review.

(Affirmative finding as conditioned)

(e) Supporting the use of alternative energy

Not applicable.

(f) Brownfield sites

Not applicable.

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management. The proposed concrete block bunkers will limit the potential for erosion and offsite sedimentation of soil and compost contained within them.

(Affirmative finding)

(h) Building location and orientation

Not applicable.

(i) Vehicular access

As proposed, vehicular access will be well defined with two distinct access points into the reconfigured parking lot. Presently, the informal parking area simply extends out from a 100' + stretch of the roadway. **(Affirmative finding)**

(j) Pedestrian access

This criterion requires dedicated pedestrian walkways between public sidewalks and primary building entrances. Neither are present on this property – there are no buildings, nor is there a public sidewalk. This criterion also requires that protected pedestrian routes be provided through parking areas in such a way as to minimize pedestrian/vehicle conflicts. No pedestrian routes are depicted on the site plan. With the 30' back-up lengths provided between parking spaces in the northern parking area, there is ample room to narrow this back-up length to 20' – 24', install curb stops (or equivalent), and provide pedestrian routes along the periphery of the parking area. Within the southern parking area, similar provision could be made by pushing the parking back and providing a pedestrian path between Intervale Road and the parking area. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

Handicap accessibility will remain essentially unchanged. It is the applicant's responsibility to comply with the federal Americans with Disabilities Act Accessibility Guidelines. **(Affirmative finding as conditioned)**

(l) Parking and circulation

The proposed parking area will be better defined than the present conditions. The edge of parking will be defined with boulders, poles, or other "nonstructural" barriers. What these other barriers may be is not defined and must be. Generally, boulders, poles, fences, or curbs are acceptable measures. Whatever measure is selected, it must be consistent with criterion (j) above to allow for pedestrian circulation.

Shading is required for the proposed parking area. The existing woods bordering the parking to the south and west likely provide the recommended 30% shading; however, no information has been provided to demonstrate the degree of shading. Such information is needed. Existing trees

within 25' of the parking area can be counted in lieu of new shade trees. (**Affirmative finding as conditioned**)

(m) Landscaping and fences

A new green strip will be established between the road and the proposed parking area. A new wooden rail fence (to match existing within the Intervale) or a series of boulders will be installed within this strip to further separate the road from the parking area. The wooden rail fence is recommended as it better ties into the established aesthetic of the Intervale Center. (**Affirmative finding as conditioned**)

(n) Public plazas and open space

Not applicable.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new mechanical equipment is included in this proposal, nor are any trash or recycling facilities. The proposed bunkers are plain and utilitarian in design and function. The concrete block is commonly used in similar installations elsewhere and performs its intended purpose. The bunkers are set to the side of the reconfigured parking area and up close to existing woods. (**Affirmative finding**)

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

Not applicable.

Article 8: Parking:

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The area associated with the new bulk garden material sales is just over 3,000 sf. The minimum required parking is 6 spaces (2 per 1,000 sf). Beyond these 6 spaces, there is no minimum parking requirement for the agricultural Intervale Center, nor is there a minimum parking requirement for events.

This criterion allows determination of parking requirements by the DRB in the event that no requirement is designated in Table 8.1.8-1, *Minimum Off-Street Parking Requirements*.

Agriculture is addressed in Table 8.1.8-1 and notes 0 minimum parking requirement. In light of the thousands of visitor trips to the Intervale Center in any given year and its relative inaccessibility by alternative means of transportation, there is an onsite parking demand particularly for events such as Wintervale and Summervale. The Intervale Center also experiences parking demand related to its educational outreach programs, visitor tours, and its 20 core and ~ 15 seasonal employees. The 50-55 spaces (49 not tied to the bulk material sales) in the proposed parking area begin to reasonably address these demonstrated parking needs. (**Affirmative finding**)

II. Conditions of Approval

1. **Prior to the release of the zoning permit**, a revised project plans shall be submitted subject to staff review and approval. The revisions shall depict:
 - a. The limits of proposed tree clearing;

- b. Protected pedestrian walkways, separate from the parking spaces, to access Intervale Road;
 - c. Curb stops, fences, bollards, boulders or similar measures to delineate the limits of the parking area and to provide for pedestrian walkways as noted in b above;
 - d. Demonstration of the percentage of parking lot shading provided by the remaining wooded areas to the south and west of the parking area. If at least 30% shading is not achieved, new shade tree plantings will be required until 30% shading is achieved; and,
 - e. A wooden rail fence between the parking area and Intervale Road.
2. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
 3. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Stormwater Management Plan from the Stormwater Administrator.
 4. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
 5. If, during construction, artifacts are unearthed, it is the applicant's responsibility to stop earthwork and to contact the Vermont Division for Historic Preservation for further guidance.
 6. It is the applicant's responsibility to comply with the federal Americans with Disabilities Act Accessibility Guidelines as applicable to this construction.
 7. Standard permit conditions 1-15.